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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/603,630  | 06/24/2003  | Joseph B. Agusta     | P5087C1             | 2917             |
| 24739   | 7590        | 03/30/2007           | EXAMINER            |                  |
| CENTRAL COAST PATENT AGENCY, INC<br>3 HANGAR WAY SUITE D<br>WATSONVILLE, CA 95076 |             |                      | NGUYEN, QUYNH H     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2614                |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE  | MAIL DATE   | DELIVERY MODE        |                     |                  |
| 3 MONTHS  | 03/30/2007  | PAPER                |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/603,630             | AGUSTA, JOSEPH B.   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Quynh H. Nguyen        | 2614                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 February 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 29-36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 29-36 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant's RCE and amendment filed 02/01/07 has been entered. Claims 29, 31, 33, and 35 have been amended. No claims have been cancelled. No claims have been added. Claims 29-36 are still pending in this application, with claims 29, 31, 33, and 35 being independent.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 33-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 33 and 35, claim the non-statutory subject matter of a computer program code. Data structures not claimed as embodied in computer-readable media are

descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

Claims 34 and 36 are rejected because they depend on rejected claims 33 and 35, respectively.

***Claim Rejections - 35 USC § 102***

5. Claims 29, 31, 33, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Sassin et al. (U.S. Patent. 6,058,435).

Regarding claims 29 and 31, Sassin et al. disclose a method of assigning tasks to agents in a service center based on agent skills required to service individual tasks, comprising:

in response to a task (col. 7, line 20 - *incoming communication*) to be service, determining a skill set that would be best suited for responding to the task (col. 3, lines 33-36; col. 7, lines 25-36 and lines 56-59);

building a skill table of all available agents at least partially based upon the determination of skills needed to service the task based upon the skills that they possessed (col. 7, lines 25-35; col. 8, lines 9-22 and lines 47-65 - where Sassin discussed particularly col. 8, lines 47-49 generating the agents table contains a list of all of the agents of the ACD system);

determining from the skill table of available agents all agents with best match to service the task (col. 8, line 57 through col. 9, line 14);

selecting an agent to service the task from the agents determined to have the best match to service the task (col. 3, lines 33-36; col. 9, lines 11-14; col. 10, lines 2-5).<sup>1</sup>

Claims 33 and 35 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Sassin et al. teach computer program code embodied in a storage medium for controlling a computer to assign tasks to agents (col. 11, lines 40-67; col. 13, lines 49-60 - *media converter 106, content analyzer 108, content-based router 110*).

#### ***Claim Rejections - 35 USC § 103***

6. Claims 30, 32, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. (U.S. Patent. 6,058,435).

Regarding claims 30, 32, 34, and 36, Sassin et al. teaches selecting an agent to service the task from the agents determined to have the best match to service the task (col. 3, lines 33-36; col. 9, lines 11-14; col. 10, lines 2-5; col. 8, line 66 through col. 9, line 65 - *where Sassin discussed selecting the first agent who is the only agent possesses skill C to handle calls requesting skill A or skill B when there is no transaction requesting skill C*). However, Sassin et al. does not explicitly teach selecting an agent with a minimum qualification level from the agents determined to have the best match to service the task. Selecting an agent with a minimum qualification among the agents is well known in Automatic Call Distributing Center and

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the advantage of selecting an agent with a minimum qualification among the agents is also well known. For example, if agent A1 speaks English and Spanish and agent A2 speaks only Spanish, a task needs to be serviced in Spanish then one would select agent A2 with a minimum qualification level.

### ***Response to Arguments***

7. Applicant's arguments filed 02/01/07 have been fully considered but they are not persuasive.

Applicant argues that Sassin fails to teach a collective skill table of all available agents (Remarks, page 6). Examiner respectfully disagrees. Sassin teaches a collective table of all available agents (col. 8, lines 17-21 and lines 47-49 - where Sassin discussed particularly col. 8, lines 47-49 generating the agents table contains a list of all of the agents of the ACD system).

Applicant argues that the skills required are known before the table is generated to facilitate finding the best agent (Remarks, pages 5-6). This limitation is also taught by Sassin in col. 8, line 66 through col. 9, line 27, where Sassin discussed having a particular agent handle incoming communications requiring a particular skill, hence in order to assign an agent to handle a particular incoming communication, the skills required to handle the incoming communication are known ahead of time.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-

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7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Quynh Nguyen*

Quynh H. Nguyen

March 29, 2007